

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-2 and 9-10 are pending in the application. Claim 1 has been amended only to improve claim language without otherwise touching the merits. Claims 9-10, corresponding to claims 1-2, respectively, have been added to provide Applicants with the scope of protection to which they are believed entitled. The newly added claims are clearly readable on the elected invention. FIG. 3 has been revised to be consistent with the specification, page 7, lines 17 and 24. No new matter has been introduced through the foregoing amendments.

The objection to the drawings is believed overcome in view of the above amendments.

The 35 U.S.C. 102(b) rejection of claim 1 as being anticipated by *Shin et al.* (US patent 5,687,171) is traversed because the reference fails to teach or disclose the steps of searching (see, also Step 36 in Fig. 3 of the instant application) for a second FA of which received power is least if the received power is not less than the first threshold value; comparing (see, also Step 37 in Fig.3 of the instant application) a second threshold value with the received power of the second FA; and assigning (see, also Step 38 in Fig.3 of the instant application) a second traffic channel in the second FA if the received power is less than the second threshold value.

In the *Shin et al.* patent, a margin for signal strength is calculated and then the margin for signal strength is used for determining allocation of a radio channel by comparing the margin with the power required for a call. This is totally different from the invention of claim 1 in which threshold values of received power (a first and a second threshold values) are used for transition of FAs.

noted. Applicants respectfully disagree with the Examiner's reading of the reference. In the invention of claim 1, for each request, there may be two comparing steps depending on the received power. In *Shin et al.*, for each request, there is always only one comparing step at S104 (FIG. 2 of *Shin et al.*). Although the *Shin et al.* process iterates at A, a *new request* is handled every time the process iterates, because the previous request has been rejected at S106 (FIG. 2 of *Shin et al.*).

In addition, *Shin et al.* clearly fails to teach or disclose the claimed search for an alternative (second) channel if the first channel does not meet the received power requirement. In *Shin et al.*, if the signal strength requirement is not met, the request will be immediately rejected at S106.

For the above reasons, Applicants respectfully submit that *Shin et al.* fails to teach or disclose the claimed method of claim 1. The method of claim 1 is not obvious over *Shin et al.* because the reference as well as the knowledge generally available in the art do not suggest the highlighted claim features. Claim 1 is thus patentable over the applied art of record.

Claim 2 depends from claim 1, and should be considered patentable at least for the reasons advanced with respect to claim 1. Moreover, the Examiner's official notice is evidentially unsupported and therefore respectfully traversed. Applicants respectfully request that convincing evidence, e.g., a prior art reference or references, that support(s) the Examiner's allegation that the step of claim 2 was well known in the art *prior to the invention*, be provided or the 35 U.S.C. 103(a) rejection of claim 2 be withdrawn.

New independent claim 9 is clearly patentable over the applied reference, because the reference fails to disclose, teach or suggest, at least, steps d.ii.1. through d.ii.4. of independent claim 9. New claim 10 depends from claim 9, and should be considered patentable at least for the reason advanced with respect to claim 9. New claim 10 should also be considered to be patentable for the reason additionally advanced with respect to claim 2.

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully

submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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